

REMARKS

Reconsideration of the application is requested.

Claims 32 and 33 are now in the application. Claims 32 and 33 are subject to examination. Claims 13, 14, 16-31, and 34 have been canceled to facilitate prosecution of the instant application.

Under the heading “Informalities or Claim Objections” on page 2 of the above-identified Office Action, the Examiner objected to claims 13 and 23 because of four informalities.

Applicants appreciate the indication of the informalities and the Examiner’s suggested corrections. Claims 13 and 23 have been canceled to facilitate prosecution of the instant application.

Under the heading “Claim Rejections – 35 USC § 112” on page 2 of the above-identified Office Action, claim 34 has been rejected as failing to comply with the enablement requirement under 35 U.S.C. § 112, first paragraph.

Claim 34 has been canceled to facilitate prosecution of the instant application.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first paragraph.

Under the heading “Claim Rejections – Admitted Prior art” on page 3 of the above-identified Office Action, claims 13, 14, 16, 17, 19, 20, 23-26, and 29-34 have been rejected as being fully anticipated by the admitted prior art that is shown in Fig. 4 of the application under 35 U.S.C. § 102. In the alternative, claims 13, 14, 16, 17, 19, 20, 23-26, and 29-34 have been rejected as being obvious over the admitted prior art under 35 U.S.C. § 103. Applicants respectfully traverse with regard to claims 32 and 33.

Claim 32 includes a step of measuring an output power of the receiving oscillator. Neither Fig. 4 nor the description thereof teaches or suggests such a step. In contrast, Fig. 4 shows that the signal from the receiving oscillator HFO-Rx is sent to a mixer along with the reflected signal Rx-Sig that is picked up by the receiving antenna ANT-Rx.

Under the heading “Claim Rejections – Admitted Prior art” on page 4 of the above-identified Office Action, claim 18 has been rejected as being obvious over the admitted prior art shown in Fig. 4 and further in view of the admitted prior art shown in Figs. 1 or 2 under 35 U.S.C. § 103.

Claim 18 has been canceled.

Under the heading “Claim Rejections – 35 USC § 103” on page 5 of the above-identified Office Action, claims 21, 22, 27, and 28 have been rejected as being

obvious over the admitted prior art and further in view of U.S. Patent No. 6,192,229 to Stikvoort et al. under 35 U.S.C. § 103.

Claims 21, 22, 27, and 28 have been canceled to facilitate prosecution of the instant application.

Under the heading "Claim Rejections – 35 USC § 103" on page 5 of the above-identified Office Action, claims 13, 14, 18, 20, 23-26, 29, and 32-34 have been rejected as being obvious over U.S. Patent No. 6,384,768 to Kai in view of admitted prior art under 35 U.S.C. § 103.

Claims 13, 14, 16-31, and 34 have been canceled to facilitate prosecution of the instant application. Claims 32 and 33 remain rejected over Kai in view of admitted prior art.

Claim 32 includes a step of measuring an output power of the receiving oscillator.

Kai does not teach or suggest measuring an output power of the receiving oscillator. Likewise, Stikvoort et al. do not teach or suggest measuring an output power of the receiving oscillator.

Kai teach feeding the received reflected signal to a mixer in which the reflected signal is mixed with a signal from the oscillator to produce beat signals that are

evaluated to calculate the distance and relative velocity of the object that is reflecting the signal. This is completely different from measuring the output power of the receiving oscillator as is required by claim 32.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claims 21, 22, 27, and 28 have been rejected as being obvious over U.S. Patent No. 6,384,768 to Kai or U.S. Patent No. 6,384,768 to Kai in view of the admitted prior art and further in view of U.S. Patent No. 6,192,229 to Stikvoort et al. under 35 U.S.C. § 103.

Claims 21, 22, 27, and 28 have been canceled to facilitate prosecution of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 32. Claim 32 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 32.

In view of the foregoing, reconsideration and allowance of claims 32 and 33 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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MPW:cgm

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